

Our Docket: 48679

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re:

Applicant : SHIHE FAN et al.
Application No. : 10/726,574
Filed : December 4, 2003
Title : METHOD OF EX VITRO SOWING, GERMINATION, GROWTH AND CONVERSION OF PLANT SOMATIC EMBRYOS OR GERMINANTS, AND NUTRIENT MEDIUM USED THEREFOR
Art Unit : 1661
Confirmation No. : 5066

Kirby Eades Gale Baker
Box 3432, Station D
Ottawa, Ontario
CANADA K1P 6N9

January 15, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
United States of America

Dear Sir:

**RESPONSE TO NOTIFICATION OF
NON-COMPLIANT APPEAL BRIEF**

This is in response to the Notification of Non-Compliant Appeal Brief mailed on October 16, 2008. This response is accompanied by a request for extensions of time under 37 CFR 1.136 (paid via EFS).

Enclosed herewith is an amended Brief on Appeal that is a complete new brief with the required corrections.

The enclosed brief includes:

- (1) the evidence appendix and related proceedings appendix;
- (4) a summary of the claimed subject matter mapping the independent claims on appeal to the specification by page and line number;
- (7) a clean copy of the claims on appeal in the claims appendix.

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It is therefore believed that the enclosed brief satisfies all of the requirements made in the Notification and further consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edwin Gale".

Edwin Gale
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